

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-3, 5, 6, 9-11, 13, 14 and 17-21 stand rejected under 35 USC 102 as allegedly being anticipated by Beaudin et al. This contention is respectfully traversed, since Beaudin et al. does not teach a number of elements of Claim 1, including the reduced power consumption selection. However, in order to emphasize the patentable distinctions, Claim 1 has been amended to recite that the combination of signal determination is "responsive to said selection of reduced power consumption". Beaudin et al. operates in an entirely different way, and in no way discloses this subject matter.

Specifically, Beaudin et al. teaches a combiner for a multiplicity of diversity signals. The combiner receives strength indicative signals that are indicative of the strengths of the data signals. The signals are then combined in linear proportions. In an embodiment, for example described at the bottom of column 2, only signals that are above a strength threshold are used. Hence, while this system uses only those signals that are above the strength threshold, and hence only uses some of the signals, this is not done "responsive to the selection of reduced power consumption". In fact, everything in Beaudin et al. teaches that the signals are combined when they

provide more information. See, for example, column 5 lines 24-50, and that a signal that is more than 6 dB, for example, below that of other signals is normally ignored, see, also, Beaudin et al. lines 51-52. There is no disclosure of a reduced power consumption selection as recited by Claim 1.

Moreover, there is no disclosure that the selection of reduced power consumption causes a determination of a plurality of inputs to combine in a combined signal, that is less than all the plurality of signal inputs.

Since Beaudin et al. does not disclose the reduced power consumption, Claim 1 which relies on this reduced power consumption is patentable thereover along with the claims that depend therefrom.

Claim 9 has been amended in a similar way, and should be allowable for analogous reasons along with the claims that depend therefrom. Claim 17 should be similarly allowable for analogous reasons.

Claims 4, 7, 8, 12, 15, 16 and 22 stand rejected under 35 USC 13 as being obvious over Beaudin et al. This rejection is respectfully traversed by virtue of the dependency of these claims. In addition, however, Claims 7 and 15 should be specifically allowable. Claim 7 defines that there are five signal inputs. As disclosed in the specification, it was found empirically that greater than five signal inputs provided no additional benefit. There is no disclosure of this in Beaudin

et al. In fact, Beaudin et al. says nothing about any number of signals, other than that there could be multiple signals.

Hence, these claims are specifically allowable.

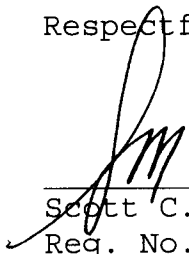
Claims 23-25 are presented in place of Claims 6, 14 and 21. Each of these claims defines an aspect which is further unsuggested by Beaudin et al.: specifically that the signals are sorted by their signal-to-noise ratios. This is in no way disclosed by Beaudin et al., and each of these claims be specifically allowable for these reasons.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. No fee is believed to be due, however please apply any applicable charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: August 18, 2006



Scott C. Harris
Reg. No. 32,030

Fish & Richardson P.C.
PTO Customer No. 20985
12390 El Camino Real
San Diego, California 92130
(858) 678-5070 telephone
(858) 678-5099 facsimile

10657881.doc